THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 7848 of 2001

Date: 12.12.2007

Between:

Mother Vannini School of Nursing, rep. by its
Correspondent, Rev. Sr. Anna, D/o K.M. Joseph.

..... PETITIONER

AND

The Indian Nursing Council, rep. by its
Secretary, Combined Councils Bldgs., Kotla Road,
New Delhi and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 7848 of 2001

Order:

This writ petition is filed seeking a Mandamus declaring the resolution passed by respondent No.1 on 21.11.1990, which was communicated to the State Nursing Councils, vide proceedings dated 16.01.1991, as illegal, arbitrary and contrary to the regulations framed for General Nursing and Midwifery Course, and also declare the proceedings dated 03.10.2000 of respondent No.2 directing the Nursing Schools including the petitioner to implement the resolution of Indian Nursing Council, wherein it is resolved that the students of Nursing have to secure 50% of marks separately in internal and external examinations of theory, as illegal and arbitrary, and consequently to direct respondent Nos.2 and 3 to declare that the candidates who secured 50% of marks in internal and external examinations of theory in aggregate are passed in their respective subjects to promote them to second year course.

This Court, on 26.04.2001, while admitting the writ petition, passed the following interim order in W.P.M.P. No. 9992 of 2001:

> "Pending further orders, the respondents are directed to promote the students, those who have secured 50% marks in internal and external examinations of theory in aggregate, to the second year General Nursing Midwifery Course.
> However, such promotion shall be subject to further orders to be passed in the writ petition."

When the matter is taken up for hearing today, none appears for the petitioner. Learned counsel appearing on behalf of respondent No.1, on instructions, submits that as against the interim orders passed by this Court in similar writ petitions, they filed Writ Appeals, which were allowed by a Division Bench of this Court, and subsequently, batch of

similar writ petitions were dismissed as infructuous, and in view of that nothing survives for adjudication in this writ petition also.

Recording the said submission made by the learned counsel appearing on behalf of respondent No.1, the writ petition is dismissed as infructuous. No costs.

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N.V. RAMANA, J.

Date: 12.12.2007
Nsr